

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-M-264

ERIC RISCH,

Defendant.

ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION

On September 19, 2008, Eric Risch (“Risch”) appeared before this court following his arrest on a charge of possession of child pornography, in violation to Title 18, United States Code, Section 2252(a)(4)(B). During this hearing, concerns were raised by both parties regarding Risch’s potential mental health needs should he be granted pretrial release, as well as questions of Risch’s mental competency to stand trial. The court entered an order of detention, finding that at the present time no condition or combination of conditions will reasonably assure the appearance of the defendant as required or assure the safety of other persons in the community.

Based upon the information provided at the hearing, the court finds that, pursuant to 18 U.S.C. § 4241(a), there is reasonable cause to believe the defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent the defendant is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. Based upon that finding, this court makes the following orders, pursuant to 18 U.S.C. § 4241(a) and (b) and 18 U.S.C. § 4247(b) and (c):

- (1) A psychiatric or psychological examination of the defendant shall be conducted at a federal medical facility designated by the Bureau of Prisons and a report shall be filed with the court

pursuant to § 4347(b) and (c) based on the examination which shall be conducted in a reasonable period not to exceed 30 days. See 18 U.S.C. § 4247(b).

- (2) Upon completion of the psychiatric or psychological examination, a competency hearing will be scheduled and conducted to determine the mental competency of the defendant.
- (3) While at the federal medical facility, the defendant shall undergo available psychological or psychiatric treatment, if appropriate, and remain in the facility if required for that purpose.
- (4) The mental competency report should also include recommendations regarding whether pretrial release is appropriate for the defendant and, if the court finds pretrial release of the defendant to be appropriate, what, if any, special conditions of release should be imposed in light of any mental health needs the defendant may have.
- (5) All further proceedings will be stayed in this case until a determination of the defendant's mental competency has been made.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 22nd day of September 2008.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge